

REMARKS

Claims 8 through 10 and 22 through 25 are pending in the above-identified patent application. Claims 8 through 10 and 22 through 25 were rejected in the Office Action dated February 20, 2002.

In section 1 of the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) because the drawings do not show the IV bag or plastic-wrapped food package from claims 24 and 25. In response, Applicants are adding two figures to show the claimed features of claims 24 and 25. Further, Applicants are amending the Brief Description of the Drawings to make reference to the added figures. No new matter is being added. Accordingly, Applicants respectfully request withdrawal of this objection.

In section 3 of the Office Action, the Examiner rejected claims 8 – 10 and 22 – 25 under 35 U.S.C. § 103(a) as being unpatentable over Katsura et al. (US Patent No. 5,223,315) in view of Heider (US Patent No. 5,405,667) and Admitted Prior Art. Applicants traverse this rejection. *Katsura* discloses a label bonded to a container using an adhesive, wherein the label includes a metallic layer. *Heider* discloses a label heat bonded to a container without an adhesive; however, the *Heider* label does not have a metallic layer. Admitted prior art discloses the conventional placement of a label on a semi-permeable container.

In response, Applicants respectfully submit that it would have not been obvious to combine the cited art to get the container of claim 8. The basic requirements of a *prima facie* case of obviousness require three basic criteria: 1) a suggestion or motivation to combine the references; 2) a reasonable expectation of success; and 3) the cited references must teach or suggest all the claim limitations (MPEP 2143). The cited art fails to establish a *prima facie* case of obviousness based on all three criteria.

First, there is no suggestion or motivation in any of the cited art to combine the cited art. Specifically, *Heider* only discloses heat bonding a label without a metallic layer – there is no suggestion to heat bond a metallic layer. On the other hand, *Katsura* does teach bonding a metallic layer but uses an adhesive to do so – there is no suggestion to bond the metallic layer without an adhesive.

Second, there is no reasonable expectation of success. *Heider* prefers using polyethylene having a density of less than 1 gram/cc (Column 4, lines 46 - 54), which may be much less than the metallic layer (for example, silver has a density of 10.5g/cc). Accordingly, replacing the

polyethylene with a metallic layer would not be expected to work due to the substantial difference in density, which will lead to a much different melt flow.

Third, the cited references do not teach all the claimed limitations either combined or individually. *Heider* teaches heat bonding a polyethylene label while *Katsura* teaches a metallic label that is glued to a container. Combining these references does not teach bonding a metallic label without adhesive.

Accordingly, Applicants respectfully submit that claim 8 is patentable over *Heider*, *Katsura*, and the admitted prior art. Further, as claims 9, 10, and 23 – 25 depend from claim 8, they should be patentable for at least the same reasons. Further, as claim 22 recites substantially similar limitations to claim 8, claim 22 should be patentable for at least the same reasons.

In section 4 of the Office Action, the Examiner rejected claims 8 – 10 and 22 – 25 under 35 U.S.C. § 103(a) as being unpatentable over *Yamanaka* (U.S. Patent No. 5,254,302) in view of *Heider* and admitted prior art. Applicants traverse this rejection. *Yamanaka* discloses bonding a label using an adhesive. The label includes at least two layers: a stretched film base made of thermoplastic and an adhesive layer (Column 3, lines 25 – 44). *Heider*, as discussed above, discloses heat bonding a polyethylene label. As neither *Heider*, *Yamanaka*, or admitted prior art disclose a metallic layer in the label it is impossible to combine the cited art to form the invention as claimed in claim 8 since claim 8 requires a metallic layer. At most, *Yamanaka* discloses adding an inorganic fine powder to the base layer (Column 3, lines 34 – 43; Column 5, line 65 – Column 6, line 10).

Accordingly, Applicants respectfully submit that claim 8 is patentable over *Heider*, *Yamanaka*, and the admitted prior art. Further, as claims 9, 10, and 23 – 25 depend from claim 8, they should be patentable for at least the same reasons. Further, as claim 22 recites substantially similar limitations to claim 8, claim 22 should be patentable for at least the same reasons.


Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection and allowance of all pending claims.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “**Version with markings to show changes made.**” Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Date: 7/19/02


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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on

Date: 7/19/02 By:   
Aaron Wininger



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PATENT  
Attorney Docket No.42445.00059

**Version With Markings To Show Changes Made**

**In the Specification:**

The paragraph beginning on page 3, line 10 has been amended as follows:

FIG. 4 is a block diagram illustrating a third system for bonding a printed metallic label to a semi-permeable container, in accordance with the present invention; and

Please replace the paragraph beginning on page 3, line 13, with the following rewritten paragraph:

FIG. 5 is a cross-sectional view of the safe container having the printed metallic label bonded thereon, in accordance with the second or third system;-

After the last paragraph on page 3, the following paragraphs were added:

--FIG. 6 is a diagram illustrating an IV bag according to an embodiment of the invention;  
and

FIG. 7 is a diagram illustrating a plastic-wrapped food package according to an embodiment of the invention.--

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FIG. 6



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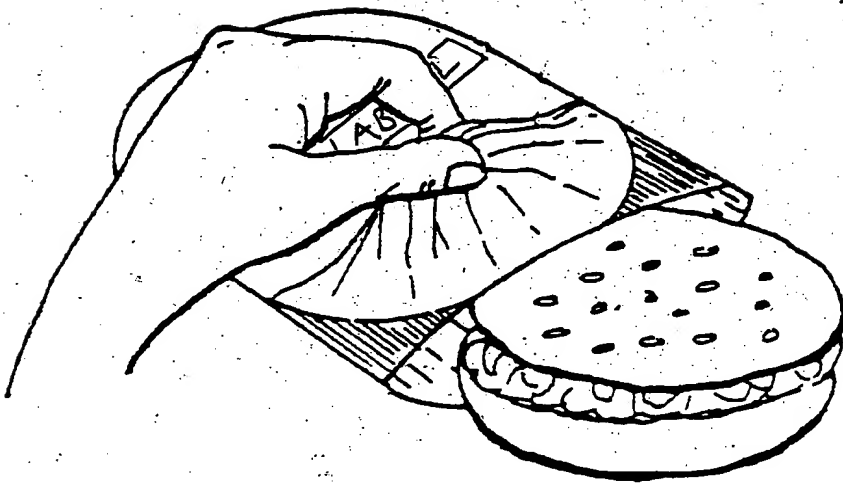


FIG. 7